

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rand Corporation,

Plaintiff,

v.

ORDER

Civil No. 07-510 ADM/JSM

Yer Song Moua, Manisy Moua,
John Doe, and Mary Rowe,

Defendants.

Eric D. Cook, Esq., Wilford & Geske, P.A., Woodbury, MN, on behalf of Plaintiff.

John M. Tancabel, Esq., John M. Tancabel Law Office, St. Paul, MN, and Kathleen Keest, Esq., Center for Responsible Lending, Durham, NC, on behalf of Defendants.

On June 4, 2007, Yer Song Moua and Manisy Moua filed a letter [Docket No. 39] requesting leave to move the Court to reconsider its prior Order [Docket No. 37] granting summary judgment for Rand Corporation. The Mouas' request is **DENIED**. Pursuant to District of Minnesota Local Rule 7.1(g), motions to reconsider are permitted "only upon a showing of compelling circumstances." No such showing has been made by the Mouas. The Mouas argue that "Rand included a prohibited prepayment penalty provision in the Mouas' HOEPA loan without meeting all of the five (5) exception conditions. This was pled in paragraph 94 of the Mouas' counterclaim." The Mouas argue that the prepayment penalty issue was not raised or addressed during the summary judgment phase of this case. Although the Mouas did assert the prepayment penalty issue in paragraph 94 of their Counterclaim [Docket No. 15], they have not previously raised the issue with the Court. The Mouas could have raised this issue in their Opposition Memorandum [Docket No. 26] or at oral argument, but they did not. They can not now rely on this issue as grounds for reconsideration.

Further, Rule 7.1(g) permits only requests to make a motion to reconsider “and responses to such requests”—there is no provision that permits a response to the response. Accordingly, there is no authority for the Mouas’ response letter [Docket No. 43] sent after Rand responded by letter [Docket No. 40] to the Mouas’ initial request.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: June 15, 2007.